

76880

K-38993

Vol. 787 Page 12407

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON )  
COUNTY OF MULTNOMAH ) SS

I, AMY THOMPSON  
depose, say and certify that:

At all times hereinafter mentioned I was and now am a resident of the state of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original amended trustee's notice of sale ("amended notice") given under the terms of that certain trust deed made, executed and delivered by COMAC PROPERTIES, INC., an Oregon corporation, as Grantor, to TICOR TITLE INSURANCE COMPANY, as Trustee, to secure certain obligations in favor of STATE FEDERAL SAVINGS AND LOAN ASSOCIATION of Roseburg, Oregon, successor in interest to State Savings and Loan Association, as Beneficiary, dated April 11, 1983, and recorded April 21, 1983, in Volume M83, Page 6135, of the Mortgage Records of Klamath County, Oregon.

I gave notice of the sale of the real property described in the attached amended notice by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the persons at his or her respective last known address, as listed on Exhibit "A" attached hereto, and by this reference incorporated herein. Enclosed in each of the envelopes addressed as listed on Exhibit "A" was a copy of the letter attached hereto.

The amended notices so mailed were certified to be true copies of the original amended notice by **Richard A. Canaday**, the trustee named in said amended notice, and by **William R. Knuths**, attorney for said trustee named in said amended notice; such copies were contained in sealed envelopes with postage thereon fully prepaid, and were deposited by me in the United States post office at Portland, Oregon, on July 6, 1987. Said amended notices were mailed after the notice of default and election to sell described in said amended notice was recorded.

SUBSCRIBED and sworn to before me this 6th day of July, 1987.

*Richard A. Canaday*  
Notary Public for Oregon  
My commission expires 12-19-90

108010-1070/2609r

Loan 155005844

RETURN TO: Attn Deborah Lewis

Return: MILLER, NASH, WIENER, HAGER & CARLSEN  
ATTORNEYS AND COUNSELORS AT LAW  
3500 U.S. BANCORP TOWER  
111 S. W. FIFTH AVENUE  
PORTLAND, OREGON 97204-3699  
TELEPHONE (503) 224-5858  
TELEX 364462 KINGMAR PTL  
TELECOPY (503) 224-0155

12408

July 6, 1987

Subject: FSLIC as Receiver for State Fed  
Trust Deed Foreclosure Proceedings  
against COMAC Properties, Inc.  
(Washburn Way Plaza Shopping Center)  
State Fed Loan No. 155005844

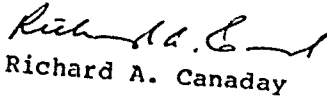
TO WHOM IT MAY CONCERN:

Pursuant to the provisions of ORS 86.740(1), you were previously sent a trustee's notice of sale in connection with the above-referenced foreclosure proceedings. Enclosed is an amended trustee's notice of sale.

A Chapter 7 Bankruptcy was filed by Ore-Cal General Wholesale, Inc., on May 15, 1986. On June 8, 1987, a relief from stay was obtained. Pursuant to ORS 86.755(6), the foreclosure proceedings will continue as if uninterrupted.

The trustee's sale is now scheduled to be held on August 20, 1987, 11 a.m., at the main entrance to the Klamath County Courthouse, in Klamath Falls, Oregon.

Very truly yours,

  
Richard A. Canaday

AMENDED  
TRUSTEE'S NOTICE OF SALE

12409

Reference is made to that certain trust deed made, executed and delivered by COMAC PROPERTIES, INC., an Oregon corporation, as Grantor, to TICOR TITLE INSURANCE COMPANY, as Trustee, to secure certain obligations in favor of STATE FEDERAL SAVINGS AND LOAN ASSOCIATION of Roseburg, Oregon, successor in interest to State Savings and Loan Association, as Beneficiary, dated April 11, 1983, and recorded April 21, 1983, in Volume M83, Page 6135, of the Mortgage Records of Klamath County, Oregon, covering the following described real property:

PARCEL 1

A tract of land being Lot 1 and a portion of Lot 2 in Block 3 of Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence North  $00^{\circ} 04' 50''$  East 195.00 feet to the Northwest corner of said Lot 1; thence continuing North  $00^{\circ} 04' 50''$  East 57.80 feet; thence South  $89^{\circ} 25' 10''$  East 300.00 feet; thence South  $00^{\circ} 04' 50''$  West 57.80 feet to the Northeast corner of said Lot 1; thence continuing South  $00^{\circ} 04' 50''$  West 195.00 feet to the Southeast corner of said Lot 1; thence North  $89^{\circ} 25' 10''$  West 300.00 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its Department of Transportation, Highway Division, recorded August 16, 1976 in Deed Volume M-76 at page 1264, Microfilm Records of Klamath County, Oregon.

PARCEL 2

A tract of land situated in Lot 2, Block 3, Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the Easterly right of way line of Washburn Way, said point being North  $00^{\circ} 04' 50''$  East 57.80 feet from the Northwest corner of Lot 1, Block 3; thence South  $89^{\circ} 25' 10''$  East 300.00 feet to the true point of beginning; thence South  $89^{\circ} 25' 10''$  East a distance of 100.08 feet to a point; thence South  $89^{\circ} 56' 30''$  East a distance of 51.67 feet to the Northwest corner of parcel conveyed to Ronald T. Williams, et ux., by Deed Volume M-77 at page 17511; thence South  $00^{\circ} 04' 50''$  West along the West line of last mentioned parcel a distance of 253.26 feet to the North line of Crosby Avenue; thence North  $89^{\circ} 25' 10''$  West along said North line a distance of 151.76 feet to the Southeast corner of Lot 1, Block 3; thence North  $00^{\circ} 04' 50''$  East a distance of 252.8 feet, more or less, to the point of beginning.

PARCEL 3

A tract of land being a portion of Lot 2, Block 3, of Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 2; thence North  $00^{\circ} 04' 50''$  West (East) 57.80 feet to the true point of beginning; thence North  $00^{\circ} 04' 50''$  West (East) 96.35 feet; thence South  $89^{\circ} 56' 30''$  East 400.07 feet to the East line of said Lot 2; thence South  $00^{\circ} 03' 30''$  West 100.00 feet; thence North  $89^{\circ} 25' 10''$  West 400.08 feet to the true point of beginning.

The real property is commonly known as the Washburn Way Plaza Shopping Center, and is located at the intersection of Washburn Way and Crosby Avenue, in Klamath Falls, Oregon.

The FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION has been appointed receiver for State Federal Savings and Loan Association of Corvallis, Oregon, pursuant to 12 USC §§ 1464 and 1729 and has thereby succeeded to all rights and entitlements of said association.

108010-1070/3865L

Loan 155005844

RICHARD A. CANADAY, an attorney who is an active member of the Oregon State Bar, was appointed successor Trustee by a certain instrument dated September 17, 1986, and recorded October 8, 1986, in Volume M-86, Page 18424, of the Records of Klamath County, Oregon, and is now vested with all the powers of said former Trustee.

Beneficiary has elected to sell said real property to satisfy the obligations secured by said trust deed and to foreclose said deed by advertisement and sale; the default for which the foreclosure is made is the failure of Grantor to pay when due the following sums:

|             |               |          |                               |               |          |
|-------------|---------------|----------|-------------------------------|---------------|----------|
| \$14,810.90 | due August    | 26, 1984 | \$14,810.90                   | due June      | 26, 1985 |
| \$14,810.90 | due September | 26, 1984 | \$14,810.90                   | due July      | 26, 1985 |
| \$14,810.90 | due October   | 26, 1984 | \$14,810.90                   | due August    | 26, 1985 |
| \$14,810.90 | due November  | 26, 1984 | \$14,810.90                   | due September | 26, 1985 |
| \$14,810.90 | due December  | 26, 1984 | \$14,810.90                   | due October   | 26, 1985 |
| \$14,810.90 | due January   | 26, 1985 | \$14,810.90                   | due November  | 26, 1985 |
| \$14,810.90 | due February  | 26, 1985 | \$14,810.90                   | due December  | 26, 1985 |
| \$14,810.90 | due March     | 26, 1985 | \$14,810.90                   | due January   | 26, 1986 |
| \$14,810.90 | due April     | 26, 1985 | \$14,810.90                   | due February  | 26, 1986 |
| \$14,810.90 | due May       | 26, 1985 | and the remaining balance due |               |          |
|             |               |          | March 26, 1986.               |               |          |

By reason of said default, Beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed, together with interest thereon, immediately due, owing and payable, said sums being the following, to wit:

\$1,246,293.15, together with interest thereon at the rate of 14 percent per annum from July 26, 1984, until paid, plus late charges and disbursements made by Beneficiary to protect its interest in the above-described property, together with interest thereon at above-described rate from the date of each disbursement.

A notice of default and election to sell and to foreclose was duly recorded on November 10, 1986, in Volume M86, Page 20340, of said Records.

The original sale was scheduled to be held on April 2, 1987, at 11 a.m., at the main entrance to the Klamath County Courthouse, 316 Main Street, in Klamath Falls, Oregon. The original sale proceedings were stayed by the bankruptcy filed by Ore/Cal General Wholesale, Inc., as Case No. 686-07932-R7 of the U.S. Bankruptcy Court, for the District of Oregon. Following motion filed by Beneficiary, Judge Albert E. Radcliffe executed the judgment granting relief from stay to the Federal Savings and Loan Insurance Corporation, and the stay terminated on June 8, 1987.

**NOTICE HEREBY IS GIVEN** that the undersigned Trustee or Trustee's attorneys will, on Thursday the 20th day of August, 1987, at the hour of 11 a.m., Standard Time as established by ORS 187.110, at the main entrance to the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, county of Klamath, state of Oregon, sell at public auction to the highest bidder for cash the interest in said real property which Grantor had or had power to convey at the time of the execution by Grantor of said trust deed, together with any interest which Grantor or the successors in interest to Grantor acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including the cost of a title search, a reasonable charge by Trustee, and reasonable attorney fees for Trustee's attorneys.

**NOTICE IS FURTHER GIVEN** that Grantor and certain other persons named in Chapter 86 of Oregon Revised Statutes have the right at any time prior to five days before Trustee conducts the sale to require that the foreclosure proceeding be dismissed and the trust deed reinstated by the payment of the entire amount due (other than such portion of the principal as would not be due had no default occurred) under the terms of said trust deed and the obligations secured thereby, including all costs and expenses actually incurred and Trustee's and attorney fees as provided by ORS Chapter 86 and by curing any other defaults stated herein.

Loan 155005844

12411

In construing this notice and whenever the context hereof so requires, the word "Grantor" includes any successor in interest of Grantor as well as any other person owing an obligation the performance of which is secured by said trust deed and their successors in interest; the word "Trustee" includes any successor Trustee; and the word "Beneficiary" includes any successor in interest of Beneficiary named in trust deed.

Any person interested in this sale and having questions should contact Deborah Lewis, Legal Assistant, at 224-5858.

DATED at Portland, Oregon, July 6, 1987.

ORIGINAL

Richard A. Canaday  
Richard A. Canaday, Trustee  
111 S.W. Fifth Avenue  
Portland, Oregon 97204-3699  
Telephone: (503) 224-5858

## EXHIBIT "A"

COMAC Properties, Inc.  
c/o Mr. Thomas Coleman, President  
617 West Orion  
Santa Anna, California 92707

COMAC Properties, Inc.  
c/o Mr. Thomas Coleman, President  
1081 Hyde Park  
Santa Anna, California 92705

Oregon Corporation Commissioner  
Agent for COMAC Properties, Inc.  
A Dissolved Corporation  
Commerce Building  
158 12th Street, N.E.  
Salem, Oregon 97310

Ore-Cal General Wholesale, Inc.  
c/o Mr. Donald R. Waggoner  
Registered Agent  
1893 Del Moro  
Klamath Falls, Oregon 97601

Oregon Corporation Commissioner  
Agent for Ore-Cal; General Wholesale, Inc.  
a Dissolved Corporation  
Commerce Building  
158 12th Street, N.E.  
Salem, Oregon 97310

Mellon Financial Services Corp.  
2603-B Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Supervision Satellite  
2603-A Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Marie's Imports  
2605 Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Washburn Enterprises, Inc.  
2607-A Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

T & C Trading Post  
2607-B Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Early American  
2607-C Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Highlander Metal Detectors  
and Coin Dealer  
2609 Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Mr. Norm Duffy  
2611-A Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

SubStation Deli  
2611-B Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Occupant  
2613-A Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Asterick's Inc.  
2613-B Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Merry Maids  
2615-A Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Occupant  
2615-B Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Occupant  
2615-C Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

12413

Asterick's Inc.  
2617 Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Klamath Family Apparell  
2619 Crosby Street  
Washburn Plaza  
Klamath Falls, Oregon 97603

Mr. Donald R. Waggoner  
Co-Personal Representative of  
the Estate of Harry R. Waggoner  
1893 Del Noro  
Klamath Falls, Oregon 97603

Ms. Norma E. Waggoner  
Co-personal Representative of  
the Estate of Harry R. Waggoner  
99897 South Bank Checto Drive  
Brookings, California 97415

Michael Grassmueck, Inc.  
Post Office Box 1783  
Medford, Oregon 97501

Mr. G. Jefferson Campbell, Jr.  
Attorney at Law  
Post Office Box 296  
Medford, Oregon 97501

Mr. Michael J. Doyle  
Attorney at Law  
240 East 12th Avenue  
Eugene, Oregon 97401

Ore-Cal General Wholesale, Inc.  
Post Office Box 1783  
Medford, Oregon 97501-0140

Ore-Cal General Wholesale, Inc.  
724 Main Street  
Klamath Falls, Oregon 97601

Kraig Weider  
Stillwell and Company  
519 Main Street  
Klamath Falls, Oregon 97601

With courtesy copies of the  
amended trustee's notice of  
sale to:

Mr. Angelo Guisti  
Post Office Box 37  
Robbins, California 95676

Mr. Bernard Furlan  
c/o General Delivery  
Knights Landing, California 95645-9999

Mr. J. Stephan Werts  
Schwabe, Williamson, et al  
1600-1800 PacWest Center  
1211 S.W. Fifth Avenue  
Portland, Oregon 97204-3795

Mr. George I. Hansen, P.C.  
Attorney at Law  
1000 S.W. Third Avenue  
Portland, Oregon 97204

Mr. Thomas Coleman  
617 West Orion  
Santa Anna, California 92707

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Company the 14th day  
of July A.D. 19 87 at 10:55 o'clock A.M., and duly recorded in Vol. M87  
of Mortgages on Page 12407

FEE \$29.00

Evelyn Biehn, County Clerk  
By [Signature]